



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

In Re:

Finger Lakes LPG Storage, LLC

Freedom of Information Act (FOIA)

Determination by the  
Regional Counsel  
Pursuant to 40 C.F.R. §2.205

Date: AUG 24 2015

**INTRODUCTION**

On February 13, 2015, the U.S. Environmental Protection Agency, Region 2 ("EPA" or "the Agency") received Freedom of Information Act ("FOIA") Request EPA-R2-2015-004213 seeking information concerning certain injection wells owned and/or operated by Crestwood Midstream, L.P. and or its subsidiaries including Finger Lakes LPG Storage, LLC (hereinafter referred to as "Finger Lakes"). Finger Lakes submitted an application for an EPA Underground Injection Control ("UIC") program permit for the company's Watkins Glen, N.Y. facility ("the Facility"). The information responsive to this request was submitted by Finger Lakes in support of Finger Lakes' application for a UIC Class II and III permit.

The FOIA request was initially denied on April 22, 2015, pending contact with the submitter of the responsive information to permit that entity to substantiate its claims to confidential treatment of information submitted by it to EPA that was responsive to the aforementioned FOIA request. On May 8, 2015, the Agency requested that Finger Lakes substantiate its claims. On June 10, 2015, Finger Lakes submitted the requested information. Supplement information was further submitted in emails dated August 8, 2015, clarifying the scope of the claim.

UIC permits are issued pursuant to regulations promulgated under Part C of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. §300f et seq. Part C of the SDWA was enacted for the principal purpose of preventing underground injection that may endanger underground sources of drinking water. EPA's UIC regulations, codified at 40 C.F.R. Part 144, 146, 147 and 148 (UIC Program), establish requirements for six classes of wells. Class II wells inject fluids brought to the surface in connection with natural gas storage or oil and natural gas production, or inject fluids for enhanced recovery of oil and natural gas. Class III wells inject fluids for the purpose of solution mining. The Facility has had a Class III permit since the 1980s. Finger Lakes' Class II permit application is currently pending before the Agency. The information at issue in this determination was submitted in support of the Facility's Class II permit application and its Class III permit.

## DISCUSSION

Exemption 4 of the FOIA, 5 U.S.C. § 552(b)(4), protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. Exemption 4 is intended to protect the interests of both the government (in obtaining voluntary submission of useful and reliable commercial or financial information) and, as more pertinent here, the submitters who may be required to submit such commercial or financial information as a condition of participation in Agency activities such as bidding on contracts or seeking a permit and who may suffer a competitive disadvantage from disclosure.

The term “commercial” includes anything pertaining or relating to or dealing with commerce. Records are commercial so long as the submitter has a commercial interest in them. *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280 (D.C. Cir. 1983). The term “person” refers to a wide range of entities, including corporations, state governments, and agencies of foreign governments. See, e.g., *Comstock Int’l, Inc. v. Export-Import Bank*, 464 F. Supp. 804 (D.D.C. 1979).

Commercial or financial matter is “confidential” for purposes of Exemption 4 if disclosure of the information is likely to have either of the following effects: (1) of impairing the government’s ability to obtain necessary information in the future (“the impairment test”); or (2) in the case of a mandatory submission, of causing substantial harm to the competitive position of the person from whom the information was obtained (“the substantial harm test”). *Inner City Press/Cmt’y. on the Move v. Bd. of Governors of Fed. Res. Sys.*, 463 F.3d 239, 244 (2d Cir. 2006) citing *Cont’l Stock Transfer & Trust Co. v. SEC*, 566 F.2d 373, 375 (2d Cir. 1977) (adopting the National Parks test; see, *Nat’l Parks and Conservation Assoc. v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974)). Under the substantial harm test, actual competitive harm need not be demonstrated. Rather, this test requires a showing of the existence of actual competition. If commercial or financial information is likely to cause substantial competitive harm to the company that supplied it, then such information is exempt from mandatory disclosure by virtue of Exemption 4 of the FOIA. *McDonnell Douglas Corp. v. NASA*, 180 F.3d 303, 306 (D.C. Cir. 1999). However, the Agency must find specific evidence that demonstrates competitive harm to the submitter’s interests would be imminent if disclosure were to be made. Such evidence must show that competitive harm will result from the affirmative use of the information by competitors of the submitter. *Bloomberg, LLP v. Bd. of Governors of Fed. Reserve Sys.*, 649 F. Supp. 2d 262, 279 (S.D.N.Y. 2009) (citing *Iglesias v. CIA*, 525 F. Supp. 547, 559 (D.D.C. 1981)). An agency withholding information pursuant to Exemption 4 bears the burden of demonstrating the legitimacy of such nondisclosure.

The impairment test described above does not provide an adequate basis for nondisclosure of the requested information. The SDWA and implementing regulations at 40 C.F.R. Part 144 provide the Agency broad authority to require the submission of necessary information in support of a permit application, or to demonstrate compliance with a permit or applicable regulatory requirements. Consequently, the Agency finds that disclosure of the business information responsive to the FOIA request submitted to EPA will not impair EPA's ability to obtain necessary information in the future. Further, if a submission is deemed mandatory, there is a presumption against impairment of a government function. *Inner City Press* at 246-247. 1

However, for the reason described below, EPA finds the substantial harm test described above does apply to this determination. Here, the existence of actual competition is undisputed.

The amount of information responsive to the aforementioned FOIA request is voluminous. Responsive information includes geologic record material submitted by Finger Lakes in the form of data, well and cavern diagrams and maps, reservoir suitability studies, communication between the submitter and the New York State Department of Environmental Conservation ("DEC") and results of studies, including historical background information, commissioned by the latter along with background information spanning several decades.

In accordance with 40 C.F.R. §2.205(a), the Office of Regional Counsel ("ORC") has completed a thorough review of the submitter's substantiation of its claim for continued confidential treatment of the aforementioned record material. Due to the highly technical nature of the requested information, the ORC's decision making in this matter was of necessity extensively informed by an EPA geologist in the Groundwater Compliance Section in the Division of Enforcement and Compliance Assistance. 2

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<sup>1</sup> Although counsel for the submitters asserts that the information at issue was provided voluntarily, their submission, as indicated above, was required by the SDWA authorities cited above. Further, the Department of Justice has concluded that a submitter's voluntary participation in an activity, such as seeking a permit, does not govern whether the submission is voluntary. Rather, the inquiry is whether the information is required of those parties who seek to participate. See *DOJ FOIA Update*, Vol. XIV, No. 2 at 5. Consequently, EPA considers the submission here a mandatory one.

<sup>2</sup>In completing this review, it was determined that certain material claimed as confidential had either in full or in part been made publically available on the internet. In follow-up emails with Finger Lakes dated July 1,7,8, 2015, the Agency requested several clarifications of the submitted claims. As a result of the aforementioned dialogue the submitter agreed to withdraw its confidentiality claim for such disclosed material. Consistent with the Agency's regulation at 40 C.F.R. §2.203(b) ("[a]llegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business..."), the Agency required the submitter to match what had been posted on the internet against the universe of material it had previously claimed as confidential and to then re-submit to the Agency the (clearly identified) material that could still constitute potential confidential business information.

Commercial information that has been publicly disclosed may not be protected under Exemption 4 if identical information exists in the public domain. *Inner City Press* at 244. The rationale behind the public domain doctrine is that "if identical information is truly public, then enforcement of an exemption cannot fulfill its purposes." *Niagara Mohawk Power Company v. U.S. DOE*, 169 F.3d 16, 19 (D.C. Cir. 1999). The Supreme Court has limited the public domain exception to information that which is "freely available." *Dep't of Justice v. Reporters Committee for*

The Agency's determination of the confidential status of commercial information must necessarily entail a balancing of the strong public interest in favor of disclosure against the right of private businesses to protect sensitive information. *GC Micro Corp. v. Def. Logistics Agency*, 33 F.3d 1109, 115 (9th Cir. 1994) (citing *National Parks*, 498 F.2d at 768-769). As mentioned above, the competitive harm that matters is a competitor's affirmative use of proprietary information that could reap a commercial windfall for the competitor, rather than the harm caused by a customer or other third party's negative reaction to disclosure. In *Def. of Animals v. U.S. Dept. of Agric.*, 656 F. Supp. 2d 68, 80 (D.D.C. 2009).

Applying the legal authority cited above, the Agency concludes that a significant segment of the submitter's responsive materials in the Agency's possession is entitled to protection as confidential proprietary information. The attached chart provides the Agency's specific confidentiality findings as to all of Finger Lakes' responsive information that was requested in the February 13, 2015 FOIA.

EPA finds that documents consisting of well logs, detailed maps, reports and diagrams of the Facility's caverns and wells merit confidential protection as disclosure would likely prove to be useful to a competitor of the submitter as its business model is described. EPA finds that the geologic information concerning the salt formation and overlying formations that Finger Lakes collected, that is not otherwise available, could be extremely useful to a competitor in evaluating the best location for constructing a competing facility. Similarly, geologic information and studies concerning each individual cavern's size, depth, stability, etc., if released, could also inform prospective buyers about the value of the facility. On the other hand, historical information does not merit protection by applicable legal standards. As regards to the latter category of documents, the Agency lacks information necessary to support a finding that disclosure of the tables of contents, general background, references/bibliographies, lists of exhibits, and headings of numbered sections of the reports would inure to the benefit of Finger Lakes' competitors. Adverting to the description of that information provided above, the Agency lacks information to support a finding that this information is proprietary in nature as claimed in the June 10, 2015 substantiation letter. Further, this particular responsive information does not constitute trade secret information as it describes no commercial or industrial processes that can be said to be the end product of either innovation or substantial effort. See *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983).

Finally, it is abundantly clear that an agency's determination of the likelihood of substantial competitive harm is not an exact science and is not infallible. For that reason, the federal courts have generally deferred to agency expertise in this area. See *Skybridge Spectrum Foundation v. FCC*, 842 F.Supp. 2d 65, 82 (D.D.C. 2012). Stated somewhat differently, in reviewing an agency's determination as to substantial competitive harm, the D.C. Circuit has recognized that "predictive judgments are not capable of exact proof" and, consequently, a court will "generally

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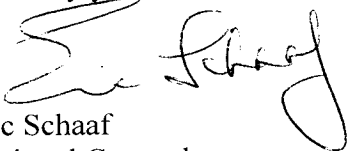
*Freedom of the Press*, 489 U.S. 749, 790 (1989). Consequently, the Agency will not withhold from the requester any of Finger Lakes' material that has been previously posted on the internet.

defer to the agency's predictive judgments as to the repercussions of disclosure.” *United Techs Corp. v. U.S. Dep’t of Defense*, 601 F.3d 557, 563 (citations and internal quotation marks omitted). The Agency submits that its findings with respect to the FOIA exemption status of the voluminous amount of responsive information submitted by Finger Lakes are eminently plausible, defensible, and supported by in-house subject matter expertise.

#### DETERMINATION

Our review leads us to the conclusion that some of the specific information requested via the FOIA for which substantiation of entitlement to confidential treatment was sought and obtained from Finger Lakes cannot be withheld under prevailing Exemption 4 case law. Other materials do warrant such protection as indicated in the attached Excel spreadsheet. At the submitter’s request, all materials determined to be entitled to Exemption 4 protection will remain undisclosed for an indefinite period. Finally, pursuant to the Agency’s regulation at 40 C.F.R. §2.208(e), the specific information at issue found to be nonexempt will be released in accordance with the Agency’s regulation at 40 C.F.R. §2.205(f).

Sincerely yours,

A handwritten signature in black ink, appearing to read "Eric Schaaf", written in a cursive style.

Eric Schaaf  
Regional Counsel

DOCUMENT TRACKING NUMBER	POTENTIALLY RESPONSIVE DOCUMENT	DOCUMENT DATE	REGIONAL COUNSEL'S DETERMINATION
38	Well 33 2009 Sonar Survey	January 26, 2009	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
40	Well 34 2001 Sonar Survey	January 11, 2001	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
41	Well 34 2009 Sonar Survey	January 27, 2009	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
42	Well 34 2002 Sonar Survey	September 8, 2002	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
43	Well 34 2001 Sonar Survey	January 10, 2001.	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
44	Well 34 1999 Sonar Survey	June 1999.	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
45	Well 34 2004 Sonar Survey	May 13, 2004.	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
47	Well 34 1997 Sonar Survey	November 1997.	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
50	Well 43 2009 Sonar Survey	January 27, 2009	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
51	Well 43 2002 Sonar Survey	September 4, 2002	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
52	Well 43 1999 Sonar Survey	June 29, 1999	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
53	Well 43 2004 Sonar Survey	May 13, 2004.	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
54	Well 43 1998 Sonar Survey	November 1998.	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
55	Well 43 1997 Sonar Survey	November 21, 1997	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
56	Well 43 2001 Sonar Survey	February 20, 2001	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
58	Well 44 2009 Sonar Survey	January 26, 2009	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
59	Well 44 1999 Sonar Survey	June 30, 1999	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
60	Well 44 2004 Sonar Survey	May 14, 2004.	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
61	Well 44 1999 Sonar Survey	November 1999.	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
62	Well 44 1997 Sonar Survey	November 21, 1997	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))

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63	Well 58 1997 Sonar Survey	November 14, 1997	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
64	Well 58 1998 Sonar Survey	October 12, 1998	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
65	Well 58 2001 Sonar Survey	January 8, 2001	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
66	Well 58 1999 Sonar Survey	July 6, 1999	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
67	Well 58 2000 Sonar Survey	November 2000.	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
69: Sonar summaries 69A: Well schematics 69B: Plugging procedures, wells 34, 43,44	Well plugging procedures, sonar summaries, Well 18	Letter 8/6/2013	69: Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4)) 69A: Duplicate of Document #108 - see Document #108.
	Well 34		Well 34: 69: Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4)) 69A: 7/8/2013 well schematic: Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4)) 69B: SAME AS DOCUMENT 147 - see Document 147
	Well 43		Well 43: 69: 1/27/2009 sonar summary: Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4)) 69A: 7/8/2013 well schematic: Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4)) 69B: Same as Document 147 - see Document 147
	Well 44		Well 44: 69: 1/26/2009 sonar summary: Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4)) 69A: 12/29/2009 well schematic: Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4)) 69B: Same as Document 147 - see Document 147

DOCUMENT TRACKING NUMBER	POTENTIALLY RESPONSIVE DOCUMENT	DOCUMENT DATE	REGIONAL COUNSEL'S DETERMINATION
	Well 57		Well 57: 69: 11/7/2011 sonar summary: Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4)) 69A: 2/15/2012 well schematic: Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
108	Well 18 Well schematic	2/7/2012	Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
109	Well 18 Baker vertilog, CBL interpretation	12/9/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
110	Well 18 Echo Log	11/7/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
111	Well 18 Vertilog Final Report	1/19/2012	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
112	Gallery 10 workplan	Submitted 7/10/2012	Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
115	Gallery 10 workplan Exhibit D - proposed pressure test, Gallery 10 (IS INCLUDED IN BINDER)	Undated	Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
116	Letter to DEC: Gallery 10 test with well status, log interpretation data	4/29/2011	Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
117	Brinefield map with galleries	6/1/2012	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
118	Brinefield map with galleries	11/15/2012	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
119	Cross section c-c': wells 29, 34	6/12/2012	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
121	Well 30 Vertilog, bond log interpretation	12/6/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
122	Well 30 schematic	2/27/2012	Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
123	Well 30 Echo Log	11/10/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
124	Well 30 Vertilog Final Report	1/23/2012	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))



DOCUMENT TRACKING NUMBER	POTENTIALLY RESPONSIVE DOCUMENT	DOCUMENT DATE	REGIONAL COUNSEL'S DETERMINATION
125	April 18, 2013 letter summary table of responses attachment to letter. Responses 4 (no exhibits), 6 (Exhibit A,B), 7 (exhibit C), 9 (Par 2-no Exhibits), 11 (no exhibits) and associated exhibits (Exhibits A, B, C) CLAIMED. WITH BINDER LISTED SEPARATELY BELOW	4/18/2013	Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
125.1	April 18, 2013 response to EPA Exhibit A: Response to comment memo from Dionisio and Istvan	1/19/2012	Confidentiality claim denied. Document released.
126	Arlington Response to DEC 11/6/2012 deficiency letter, Seneca Gallery 2 application	12/19/2012	Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
127	Arlington Response to DEC 11/6/2012 deficiency letter, Seneca Gallery 2 application Exhibit B - Brinefield Map Showing Galleries	12/10/2012	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
128: Section A-A' 129: Section B-B'	Arlington Response to DEC 11/6/2012 deficiency letter, Seneca Gallery 2 application Exhibit C - Revised Cross Sections A-A', B-B'	12/6/2012, 12/10/2012	Both Documents: Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
130: Section A-A' 131: Section B-B'	Arlington Response to DEC 11/6/2012 deficiency letter, Seneca Gallery 2 application Exhibit D- Revised Log Cross Sections A-A', B-B' of Seneca Storage Caverns	Undated	Both Documents: Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
132	Arlington Response to DEC 11/6/2012 deficiency letter, Seneca Gallery 2 application Exhibit E- East-West Cross Section of Seneca Storage Caverns	Undated	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))

DOCUMENT TRACKING NUMBER	POTENTIALLY RESPONSIVE DOCUMENT	DOCUMENT DATE	REGIONAL COUNSEL'S DETERMINATION
133	Arlington Response to DEC 11/6/2012 deficiency letter, Seneca Gallery 2 application Exhibit F- Wells 30A, 31A strat cross section with cored interval.	Undated	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
134	Arlington Response to DEC 11/6/2012 deficiency letter, Seneca Gallery 2 application Exhibit G: Seneca Storage Reservoir Suitability Study	12/1/2012	Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
135	Arlington Response to DEC 11/6/2012 deficiency letter, Seneca Gallery 2 application Exhibit H: Core Brief Description, Well 31A	6/12/2012	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
136: Well 30A 137: Well 31A	Arlington Response to DEC 11/6/2012 deficiency letter, Seneca Gallery 2 application Exhibit J: Directional survey, driller's log, Wells 30A and 31A	12/19/2012	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
138	Arlington Response to DEC 11/6/2012 deficiency letter, Seneca Gallery 2 application Exhibit K: Sonar Survey, Well 30	4/20/1981	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
141	Proposed MIT test procedures, Wells 33, 34, 43, 44	3/22/2013	Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
142	Wells 33, 34, 43, 44 schematics with CBL interpretation(s) from 2010.	2009-2011	Well 33: Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4)) Well 34: Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4)) Well 43: Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4)) Well 44: Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
143	Well 31 Vertilog, bond log interpretation	12/8/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))

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144	Well 31 Vertilog Final Report	1/12/2012	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
145	Well 31 Echo Log	11/9/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
146	Core data package, wells 30A, 31A	2/1/2013 cover letter	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
147	Letters to DEC: Proposed plugging procedures, wells 33, 34, 43, 44	12/18/2012	Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
Charts: 149	Reservoir Suitability Study Tab 10 - Well schematics, wells 33, 34, 43, 44, 58, 18, 29, 52, 57. 2010 pressure test charts wells 30, 59, 48, 58, 60, 55,	Various 2010	149: Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
150	Sonar survey report, Well 52	11/19/2009	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
151	Well 45 Vertilog, bond log interpretation	12/1/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
152	Well 45 Echo Log	11/10/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
153	Well 45 Vertilog Final Report	1/13/2012	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
154	Well 57 Vertilog interpretation	11/8/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
155	Well 57 Echo Log	11/7/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
156	Well 57 Vertilog Final Report	1/18/2012	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
157	Well 58 Echo Log	3/25/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
158	Well 58 Roach & Assoc. CBL interpretation	10/10/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
159	Well 58 Baker Vertilog, CBL interpretation	3/24/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
160: Well 58 Schem 112-115: Copy of Gallery 10, Well 29 Workplans 162: Email with Recent History	Well 58 schematic with CBL of 3/24/2011 and cavern, copy of 4/11/2012 letter to DEC with Gallery 10 and Well 29 workplans, Well 58 recent history.	Email 10/23/2012	160: Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4)) Gallery 10, Well 29 Workplans: see Document 112 162: Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))

DOCUMENT TRACKING NUMBER	POTENTIALLY RESPONSIVE DOCUMENT	DOCUMENT DATE	REGIONAL COUNSEL'S DETERMINATION
163	Email exchange 8/19/2013-8/20/2013: P&A plans, cost estimates, well location plats wells FL-1, 58	08/20/13	Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
164	Sonarwire Sonar Report & cover letter, Well 58	Letter 5/10/2013, Sonar 3/26/2013	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
165	Report on zonal isolation, well 58	10/10/2011	Not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))
166	2014 MIT report, wells 47, 48, 50, 51, 55, 56, 60, 61, 62. Letter not claimed, reports claimed.	11/11/2014	Portions released, portions not released pursuant to FOIA Exemption 4 (5 U.S.C. §552(b)(4))